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**THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH**

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MOLLY J. MULLIGAN; and  
JOHN P. MULLIGAN,

Plaintiffs

v.

ALUM ROCK RIVERSIDE, LLC, a California  
limited liability company; Brett H. Del Valle and  
Traci M. Del Valle as Co-Trustees of the Del Valle  
Family Trust dated October 30, 2002

Defendants.

**NOTICE OF FILING  
OF AND INTENT TO RELY UPON  
CERTIFIED COPY OF TRANSCRIPT  
FROM STATE COURT  
PRELIMINARY INJUNCTION  
HEARING HELD ON JANUARY 14,  
2025**

Case No. 1:25-cv-00008-DA  
Assigned Judge: Dale A. Kimball

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This above-captioned case was originally filed in the Second Judicial District Court,  
Ogden District, Weber County, State of Utah, as Case No. 240908957 (the “**State Court**”). On  
January 14, 2025, an evidentiary hearing was held in the State Court (the “**Hearing**”) on a

motion of the above-named Plaintiffs (who also were Plaintiffs in the State Court) Molly J. Mulligan and John P. Mulligan (collectively “**Mulligans**”) seeking a preliminary injunction to prevent a foreclosure of Mulligans’ real property by the above-named Defendant (who also was a Defendant in the State Court) Alum Rock Riverside, LLC (“**Alum Rock**”). After that Hearing, at which a ruling was issued orally from the bench by and in the State Court, but before that oral ruling could be reduced to writing, Alum Rock filed in this above-named federal court its *Notice of Removal* on January 23, 2025 (Docket No. 2 herein, the “**Alum Rock Removal**”).

After the Alum Rock Removal, on February 17, 2025, the State Court completed preparation of a written transcript of the Hearing and filed that transcript in the State Court (Docket No. 59 therein, the “**Hearing Transcript**”).

Because the Hearing Transcript was not on file in the State Court at the time of the Alum Rock Removal, that Hearing Transcript was not included with the State Court materials filed by Alum Rock in this above-named federal court.

Accordingly, pursuant to 28 U.S.C. §§ 1446, 1447(b) (calling for filing with the federal district court clerk “copies of all records and proceedings” of the state court which was removed to federal court), & 1449 (noting “party is entitled to copies of the records and proceedings in any suit or prosecution in a State court [which is removed to federal court], to be used in any district court of the United States” and stating federal court “proceedings, trial, and judgment may be had in such [United States] district court, and all such process awarded, as if certified copies had been filed in the [United States] district court”), DUCivR 81-2, F.R.Civ.P. 65, Utah R. Civ. P. 65A, and otherwise, Mulligans hereby provide and file herewith, as “**Exhibit 1**” hereto, a certified copy obtained from the State Court of that Hearing Transcript.

Without limitation of any kind upon any of the foregoing, Mulligans also and further hereby provide notice of their intent to use and rely upon in this above-captioned case all contents of and all materials referenced in the State Court Hearing Transcript of which a certified copy is Exhibit 1 hereto. *See also e.g.*, F.R.Civ.P. 65(a)(2) (“evidence that is received on the motion [for a preliminary injunction] and that would be admissible at trial becomes part of the trial record and need not be repeated at trial”); Utah R. Civ. P. 65A(a)(2) (“any evidence received upon an application for a preliminary injunction which would be admissible at the trial on the merits becomes part of the trial record and need not be repeated at the trial.”)

DATED March 18, 2025

FREEMAN LOVELL, PLLC

/s/ Bradley L. Tilt

Bradley L. Tilt

*Attorneys for Mulligans*

### **CERTIFICATE OF SERVICE**

I certify that on March 18, 2025 I caused true and correct copies of the foregoing **NOTICE OF FILING OF AND INTENT TO RELY UPON CERTIFIED COPY OF TRANSCRIPT FROM STATE COURT PRELIMINARY INJUNCTION HEARING HELD ON JANUARY 14, 2025** to be served in the manner indicated below to the following-listed parties at their respective addresses listed below:

Benjamin D. Johnson KC Hooker BENNETT TUELLER JOHNSON & DEERE 3165 East Millrock Drive, Suite 500 Salt Lake City, UT 84121 <a href="mailto:ben.johnson@btjd.com">ben.johnson@btjd.com</a> <a href="mailto:kchooker@btjd.com">kchooker@btjd.com</a> Attorneys for Defendant Alum Rock Riverside, LLC	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> First Class, United States Mail, Postage Prepaid <input type="checkbox"/> E-filing via GreenFiling <input checked="" type="checkbox"/> E-filing via CM/ECF <input type="checkbox"/> Email <input type="checkbox"/> Other: _____
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<p>Felicia B. Canfield CANFIELD LAW LLC 2413 Newton Avenue Cody, WY 82414 <a href="mailto:canfieldlawllc@gmail.com">canfieldlawllc@gmail.com</a> <i>Attorneys for Plaintiffs</i></p>	<p>_____ Hand Delivery _____ First Class, United States Mail, _____ Postage Prepaid _____ E-filing via GreenFiling _____ <input checked="" type="checkbox"/> E-filing via CM/ECF _____ Email _____ Other: _____</p>
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/s/ Bradley L. Tilt